

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6108 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MEHARDAS SUGAR BHANDAR

Versus

STATE OF GUJARAT

Appearance:

M/S THAKKAR ASSOC. for Petitioner
MR VB GHARANIA ASSTT. GP for the respondents.

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 09/09/98

ORAL JUDGEMENT

Rule. Service of rule is waived by Mr. Gharania, learned Assistant Government Pleader appearing for the respondents. Mr. S.B.Patel, Assistant Director of Food is present in the Court. According to the submissions made by Mr. Gharania under the instruction of the said Officer who is present in the Court, the impugned order dated 7th April, 1998 rendered by the District Collector, Ahmedabad was issued as per

communication dated 2nd April, 1998 received from the Director of Food, Government of Gujarat, inter-alia, stating therein that the nomination given to the petitioner as per order dated 28th January, 1998 should be cancelled with immediate effect. It is, thus, clear that the petitioner has not been given any opportunity of having his say in the matter. In that view of the matter, the impugned order dated 7th April, 1998 Annexure "B" to the petition is hereby quashed and set aside and it is further directed that if any such order is required to be passed either by the District Collector or by the Director of Food, as the case maybe, same shall be passed in accordance with law after affording an opportunity of hearing to the petitioner and having his say into the matter. Rule is made absolute in above terms with no order as to cost.

Vyas